

**Daniel Town Council Meeting  
Monday, May 5, 2014 at 6:00 PM  
Wasatch County Services Building, Room 126  
55 South 500 East, Heber City, UT**

Quorum present: Council members Eric Bunker, John Glodowski, and Jonathan Blotter were present at 6:00 PM when Mayor Chip Turner called the meeting to order. Recorder Lynne Shindurling was present to record the minutes. Council member Kasey Bateman was absent.

Members of the public in attendance: Phil Mattingly, Gary Walton, Lambert Deegan, Pam Skinner, Sherri Price, Ryan Taylor

**1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA**

No public comment was received at this meeting.

**2) BUSINESS LICENSE APPLICANTS**

Renewal licenses were granted to Smitty's Small Engine Repair, Coleman Trucking, Daniels Creek Construction, Jolley Electric, Jolley Kids, New Leaf Art Studio, and Bart Wilde & Associates.

**3) APPROVAL OF MINUTES FOR APRIL 7, 2014 MEETING**

Council member Bunker asked that the wording on page 3 under discussion of the Kevan Nilsson property be changed from "construction is currently underway" to "a construction plan is currently underway," and in the same paragraph change the word "instigate" to "initiate" a rezone of the property. He also requested removal of a paragraph on page 4 regarding water meters attributed to Ryan Taylor. ***Council member Glodowski then moved that the minutes of April 7, 2014 be approved with the stated corrections, seconded by Council member Blotter. The motion passed by the following vote: Turner, aye; Bunker, aye; Glodowski, aye; Blotter, aye.***

**4) PLANNING DEPARTMENT REPORT. RECONSIDERATION OF PLANNING COMMISSION RECOMMENDATIONS ON GARY WEIGHT DRAFT DOCUMENT CONCERNING AGRICULTURAL PERMITS AND CHAIRMAN BUNKER'S DRAFT**

## **LETTER CONCERNING BUILDING IN THE TOWN OF DANIEL. UPDATE ON JOINING BLUE STAKES.**

On the Gary Weight letter regarding agricultural permits, Council member Bunker stated the Planning Commission recommended its adoption as it has an applicant acknowledge if the use of the proposed building changes, they are in violation of the ag permit as issued. This would be brought up at the time of inspections on the property. The document would be used in conjunction with new construction and would not apply to already existing buildings whose use may change.

Phil Mattingly inquired of older buildings whose use had changed from the time of construction, if the restrictions would apply. The Council's position is this does only apply to new construction and the Town has no control over what's taken place in the past between construction of an ag building and any changes since then. Council member Blotter stated a major concern in wanting to use this document is for a property owner's safety. Inspections performed during construction of a building make sure the building is progressing as agreed by all at the time the permit was issued and its intended use is agricultural. Gary Walton added if additional construction is done on an existing building, it must be performed to the current day standards. Ryan Taylor stated this is not adding new rules but rather notifying people of existing rules and having them sign a document agreeing to conform to these standards. A builder acknowledges if the use changes, he has a different set of rules to adhere to. Council member Bunker pointed out the document recites the State Code applicable to building and what is and is not allowed under the existing code.

***Council member Blotter moved to adopt the document as written by Gary Weight, seconded by Council member Glodowski. The motion passed by the following vote: Turner, aye; Glodowski, aye; Bunker, aye; Blotter, aye.***

The second document recommended for adoption by the Planning Commission was written by Director Bunker and is an out-of-compliance document. He recommends when the Town finds a resident is out of compliance in any type of construction on their property, they sign this document acknowledging they are out of compliance. The Town may not enforce the non-compliance issue immediately, but by their having signed the document, they

agree they are out of compliance and at some future date action must be taken to correct the issue. If an individual does not wish to sign the document after a complaint has been made, the Town can take action anyway. The Town official responding to a complaint by a citizen presents the applicable code to the individual out of compliance for them to read and become compliant on their own, or the Town may take action.

Council member Blotter inquired of the definition of “temporary use” as used in the document under discussion. Mr. Bunker responded that in preparing the document for use by the Town, there is no time limit. A person is simply acknowledging they’re out of compliance and action will need to be taken some time in the future. Mr. Blotter asked about the signature of a person being asked to sign such a document. There is no line for a signature, only printing the name of the individual and the date the document was presented to them.

***Council member Bunker moved for the adoption of the non-compliance letter by the Town Council. The motion was seconded by Council member Glodowski and the following vote was taken: Turner, aye; Bunker, aye; Glodowski, aye; Blotter, aye.***

Update on Blue Stakes application presented by Council member Bunker. He and Ryan Taylor submitted the application by email to the Blue Stakes organization and the Town will be online within a matter of days. The lines were not drawn to correspond only with the water lines within the Town but down every street so that Blue Stakes has a complete mapping.

Mayor Turner wondered what the next step is for beginning use by the Town of Blue Stakes’ services. It will be necessary to purchase the needed equipment to avail of the services and use of borrowed equipment in the mean time. Mr. Bunker is going to look into cost of equipment and will get back to the Council with same. It will also be necessary for selected individuals to be trained on the use of the purchased equipment. Because the Town would be liable for hitting a line on someone’s property, they will not cross a property line. They will remain on the public rights-of-way. Gary Walton stated the water lines are recognizable because they’re quite new. Council member Bunker stated he suggests purchasing equipment that can be used on induced cathodic hits in the future. Pricing to be obtained.

Mr. Bunker then produced a generic lot of record which he had given to Charles Schultz who's wanting to sell his property on 3000 South. Mr. Schultz has been asked by the Council to obtain a Lot of Record for his property from Wasatch County. He is working with them to obtain such a document or one which would be equivalent in the eyes of the Council to assure that his lot is buildable.

Phil Mattingly inquired if the continued use code was adopted by Daniel from Wasatch County. Mr. Bunker answered affirmatively, that Wasatch County has records going back to 1965 and feels they should be able to work with Mr. Schultz to produce the needed documentation to the Council. The Council wants to make sure the lot was originally created legally, as it currently is less than the needed five acres for RA5 zoning. If Mr. Schultz had rebuilt a home within one year after his home burned down, it would have been acceptable, but since it's been approximately 12 years, the continued use at this time is as a vacant lot.

Council member Bunker recited the names of those individuals who had requested of the Council ability to build on their lots. Some were granted, some were not. He spent a great deal of time in April on Town business. Mr. Bunker also stated he has received several complaints against the new adult addiction facility. Such complaints are logged and could become a basis for non- renewal of a business license in the future.

Ryan Taylor produced to the Council a spreadsheet of all building permits issued with construction currently underway. It shows all projects are currently in the black with inspections remaining yet to be done. Hopefully the trend continues and no projects end up costing the Town money in the end and will remain under budget.

Council member Bunker stated he will need to purchase a Microsoft Word program for his new planning department computer. Since the cost is under \$500, he will go ahead with the purchase with the consent of the Council, which was granted.

**5) DANIEL MUNICIPAL WATER ISSUES, INCLUDING UPDATE ON DELINQUENT ACCOUNTS AND ENFORCING NEW INTEREST RATES AND WATER SHUTOFF FOR CUSTOMERS.**

Gary Walton reported that 11 customers are presently delinquent in their payments and have been notified if their bills are not paid, the water will be shut off on May 8<sup>th</sup> or 9<sup>th</sup>, with \$50 being added to their bill for the shutoff. There is also a \$25 charge for a bounced check. Council member Bunker asked that the Council consider instituting a process by which bills can be paid online with a credit card or through Paypal. Phil Mattingly suggested the Town perhaps establish a merchant account so all purchases for the Town could be handled in this manner. QuickBooks may also be able to handle payment through their program that Joyce Anderson uses to process the water payments. Mayor Turner is going to look into the options for setting up such an account.

Gary Walton stated he'd had an inquiry from a DMW customer that since the Town charges 2% for delinquent balances, if the Town would reimburse a customer for payment made in advance for water usage. Council members replied no, is the answer. Mr. Walton also stated if water is shut off to a residence where young children reside, the Town has an obligation to notify the County Health Department of these circumstances for the well-being of the residents. Ryan Taylor suggested perhaps always notifying them, but it wouldn't be necessary if it's for a very short term and the water service is returned to the home.

Council member Bunker requested a set of keys to the pump station building and gates for entry in an emergency situation. Mr. Walton will provide him copies.

#### **6) UPDATE ON DONALD ROBERTSON ANNEXATION PETITION INTO CHARLESTON.**

Mayor Turner reported he'd spoken with Mr. Robertson and inquired of him if he had a need for services from Daniel. He does not. He will work with Charleston Town for whatever he needs.

#### **7) PRESENTATION OF THE 2014-2015 TENTATIVE BUDGET, POSSIBLE AMENDMENT AND ACTION BY THE COUNCIL TO ADOPT A TENTATIVE BUDGET. SETTING THE DATE FOR THE PUBLIC HEARING TO ADOPT A FINAL BUDGET FOR 2015.**

After review by the Council members, discussion ensued regarding the budgeted amount for road repair and maintenance, as none had been done in the current year and no money spent. Members would like to increase the amount even further to accomplish as much roadwork as possible in the coming year. Gary Walton inquired about maintenance work on Big Hollow Road, which needs a great deal of work, if the county might help out with the cost. Such action is not likely.

Council member Bunker feels there may need to be an increase in the payroll expense and the amount allotted for Public Works. To increase an individual's salary in the Town would require a resolution, according to Mayor Turner.

Discussion on weed spraying involved possibly using former Mayor Mike Duggin to do some of this work, and possibly hiring an outside contractor such as Daniel resident, John Walters. The Council was reminded by Ryan Taylor that any contract work over \$5,000 would have to be let out for bid. The Council will continue to look over the tentative budget for further discussion at the June 2<sup>nd</sup> Public Hearing and Council meeting.

Council member Bunker expressed concern at lowering the amount spent on water testing from the current year to next year's budget. There may be new test requirements coming on line, including becoming brass and lead compliant in piping materials in the near future. That amount should be looked at closely. Ryan Taylor stated the new water system for DMW does have the acceptable materials in place.

***Council member Bunker moved that a public hearing date regarding both budgets be set for June 2, 2014 at 6:00 PM, which was seconded by Council member Glodowski. The vote by the Council was ayes from Turner, Glodowski, Bunker and Blotter. Mr. Bateman was absent from this meeting.***

#### **8) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, OPEN AND PUBLIC MEETING TRAINING (POSSIBLE)**

Clerk Lynne Shindurling presented the warrants for the month. Council member Bunker asked that the \$13.23 to reimburse Mike Duggin for copying keys

for entry through the gates and into the pump station be moved from the Town expenditures to Daniel Municipal Water expenses.

***With the change having been made, Mr. Bunker moved for approval of the warrants, seconded by Council member Glodowski.***

Phil Mattingly inquired about the Town possibly using Google Docs rather than Microsoft Word and storing documents in the Cloud, for no charge. This requires using a Google email address for sharing, and Chris Anderson, the Town's IT consultant, has stated previously he has trouble using the dropdown box for this. It is something to consider in the future, however.

***The vote for approval of the warrants passed as follows: Bunker, aye; Glodowski, aye; Turner, aye; Blotter, aye.***

## **9) ADJOURN**

***Council member Glodowski moved to adjourn the meeting. Council member Blotter seconded the motion, and the Council voted unanimously to adjourn. Mayor Turner adjourned the meeting at 7:50 PM.***

Lynne Shindurling,  
Recorder